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Mr. Les Whitten
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Wash., D.C. 20026

11/12/77

Dear Les,

I was in town yesterday. I had hope to have time to walk up from Jim's office but our meeting with nine DJ and FBI people over my King FOIA suit lasted until almost time for my bus home. I had wanted to see you or one of your people to explain the enclosed early JFK assassination memo from Courtney Evans to Alan Belmont.

I do not recall seeing it in print. I also do not recall any attention to it. It may have been used without achieving any major attention. However, in the event it was used I can give you an unused angle, one I'm sure was not used. The reason I can be sure is because there are so few authentic scholars. Most are like Lane, in quest of a headline.

First the file designations. The FBI's 62 files are "ADMINISTRATIVE INQUIRY - MISCELLANEOUS,"105 " INTERNAL SECURITY -NATIONALISTIC TENDENCY.2 Plain "internal security" without the "nationalistic tendency" is 100. You can decide for yourself is there is meaning in the use of 105 rather than 100. The 62 is not unreasonable, as at first glance it may seem to be, because killing the President then was not a federal offense and there was no FBI jurisdiction. The initial FBI investigation was as a special investigation for the President, Johnson.

All the marks were on this copy except the straight line on the Katzenbach memo to Hoover in the right-hand margin beginning at the taop of Paragraph 1. I added that. It represents a preconception, the built-in conclusion of the Warren Report.

The top of page 2 is probably the earliest recommendation of a Presidential commission. I had thought that Abe Fortas came up with the idea several days later. However I do not recall that K. ever took credit for the Commission. I have his executive session appearance before it, one of the very earliest and of a significant date, 12/9/63. In this perhaps overly-short explanation I am leading up to the only marks the FBI top brass, in this case perhaps the Rosen of our back channel that you may remember, added to the Evans memo.

The FBI's, whether or not Rosen's, emphasis is on "making public the results of the FBI's investigation" and that it should be done promptly. The indication of promptness "if at all possible" and and of crediting the FBI for the investigation while appointment of a Presidential commission was pending, "results of the FBI's investigation," are underscored in addition to the marginal marking.

You and Jack will probably continue to disagree with my beliefs that the conclusions were pre-determinations and preconceptions. What you may not disagree with is also in my published work, that Hoover from the first was determined to box the Commission in and that he succeeded in this. This memo represents the first known step to that end by the markings added. There is not one of the top brass who would not have interpreted this K "feeling" as an invitation to what then happened - the FBI's leaking of its report.

My recollection is that this was for use the morning of 12/9/63. It was not later. On that day when K appeared before the members only of the Commission he told them that while Hoover pretended to be busy investigating the demeaning leak nobody else could have done the leaking.

The report of the FBI did give the Commission its doctrine and much of what it was to undertake to make credible. The Commission could not and did not accept that report as gospel because it failed to account for all the known shots and all the known impacts of these shots. It even failed to mention one of the President's known wounds, that in the front of his neck. This FBI report is the first numbered Commission record, CD 1, the CD representing "Commission Document." Hoover could not make a lone-assassin report without these omissions. The Commission, knowing they would not stack, invented the "single bullet" theory. I have just ended its tenability subject to FBI rebuttal under oath in an entirely unreported FOIA suit. Best wishes,